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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/275,097	03/24/1999	JOHN C. BURNS	53921/64	9336

7590

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/275,097

Applicant(s)

BURNS ET AL

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-29 and 31-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-29 and 31-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 23 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Response to Arguments***

Applicant's arguments with respect to claims 1-7, 9-29 and 31-46 have been considered but are moot in view of the new ground(s) of rejection.

***Drawings***

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on January 23, 2003, have been approved. A proper drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The correction to the drawings will not be held in abeyance.

***Claim Objections***

2. Claims 1-2 are objected to because a failure in the signaling link to indicate a network outage is not described (see specification on page 30, line 15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-7, 9-29 and 31-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura (5,548,639) in view of Ayanoglu (US 5,717,689).

3. Regarding claims 1, 12-13, 23-26 and 34-37, Ogura discloses a method for ordered release of connections from a network entity in a communications network (Figure 8a). The connections are routed across respective communications paths (Figure 6; note: connections 0001-0004 are routed across paths L2 and L3) through a network entity (item N4) having inherent interfaces. The method comprises associating a priority indicator with each connection (Figure 7a) and upon a failure, releasing every connection in a sequence which corresponds to a priority hierarchy (Figure 8a, steps 3-7 and 9); col. 7, line 61 through col. 8, line 4; col. 8, lines 32-44). However, Ogura does not disclose that the connections are released in response to a failure in a signaling link. Ayanoglu discloses detecting a link failure based on a signaling failure (col. 9, lines 12-16; col. 16, lines 37-42). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to detect a link failure by a lack of signaling in the invention of Ogura as evidenced by Ayanoglu in order to quickly determine when a link has failed.

4. Regarding claims 2-3, 14 and 38, in Ogura an ordered list of the effected links is compiled (Figure 7a, lower table).

5. Regarding claims 4, 15, 27 and 39, Ogura discloses establishing a connection using a request message (Figure 6; col. 7, lines 31-39). However, the message does not identify the source and destination of the connection, nor the priority of the connection. One skilled in the art would recognize that a connection establishment has identifying traits such as priority and source and destination information in order to control the reestablishment of the connection.

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Therefore, it would have been obvious to one skilled in the art at the time the invention was made to identify a source and destination associated with a connection and the priority of the connection in the invention of Ogura.

6. Regarding claims 5, 16-17, 28-29, 40-41 and 46, Ogura does not disclose transmitting a release message to a source or destination. One skilled in the art would recognize that nodes typically transmit signaling to a source or destination associated with a failed link in order to notify the source and designation of the failure so that the end-to-end connection may be restored. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to notify the source and destination of a failure of an associated connection in the invention of Ogura.

7. Regarding claim 19, Ogura does not disclose an IMA trunk. One skilled in the art would recognize that inverse multiplexing allows for an increase bandwidth over multiple connections. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have inverse multiplexing in the invention of Ogura.

8. Regarding claims 6 and 20-21, the priority indicators are associated with the connection in a look up table (Figure 7).

9. Regarding claim 7, the network outage is detected by a failure in a signaling link as noted above in the rejection of claim 1.

10. Regarding claims 9, 18, 31 and 42, Ogura does not disclose that the network is ATM. One skilled in the art would recognize that ATM is a widely used network for transmitting data. Therefore, it would have been obvious to one skilled in the art at the time the invention was

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made to use an ATM network in the invention of Ogura to utilize a well-known, standardized and mature routing protocol.

11. Regarding claim 43, Ogura does not disclose an IMA trunk. One skilled in the art would recognize that inverse multiplexing allows for an increase bandwidth over multiple connections. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have inverse multiplexing in the invention of Ogura.

12. Regarding claim 10, 33, 44, in Ogura the connections are listed according to their rates (Figure 7a, lower table).

13. Regarding claims 11, 22, 34 and 45, Ogura does not disclose that the table is listed in order from lowest traffic rate to highest traffic rate for connections having the same priority. One skilled in the art would recognize that a lower rate connection is more easily and readily restored and accommodated for than a larger bandwidth connection. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to order a table according to traffic rate for connections having the same priority in the invention of Ogura.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lohrbach (US 4,901,314) discloses releasing connections according to a priority. Saleh et al. (US 2001/0033548) and Kusano et al. (US 5,933,422; Figure 1) each discloses a restoration process for restoring failed connections or paths.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays, except Wednesday, from 9:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The fax number for Technology Center (TC) 2600 is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Customer Service Office for TC 2600 at 703-306-0377.

Kevin C. Harper

A handwritten signature in black ink, appearing to read 'K. Harper', written over the printed name.

April 7, 2003